

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA

PRISONER COMPLAINT
[FOR INMATE ACTION] UNDER 42 U.S.C. § 1983

Tyrone Luckey
Name under which you were convicted

19002527
Your prison number

CIVIL ACTION NO. 23-cv-15-TFM-N
(To be supplied by Clerk of Court)

vs. Richard Hetrick

Heath Jackson
Name of Defendant(s)

316 Court St. Brewton, AL 36426
Place of Confinement and Address

INSTRUCTIONS - READ CAREFULLY

A. Complaint Form. You must file your original complaint and a copy for each named Defendant. Your complaint must be clearly handwritten or typewritten. Do not use the back of a page. Your complaint must be signed by you; no notary is required. Any false statement of material fact may serve as the basis for prosecution for perjury.

B. Proper Court. Your complaint can only be brought in this Court if a defendant is located in the Southern District of Alabama and the rest of the defendants are located in Alabama or if your claim arose in this district. The Southern District of Alabama is comprised of the following counties: Baldwin, Clarke, Choctaw, Conecuh, Dallas, Escambia, Hale, Marengo, Mobile, Monroe, Perry, Washington, and Wilcox.

C. Separate Case. It is necessary to file a separate complaint form for each claim unless the claims are related to the same incident or issue.

D. Defendants. The persons who are listed as defendants in section III of the complaint are deemed by the Court to be the only defendants to this action. A defendant's present address must be provided. The Court is unable to serve process without the present address being furnished. The first defendant listed in section III should be the defendant that you list in the style of your case on your complaint form and motion to proceed without prepayment of fees and costs, if applicable, and any other pleading filed with the Court.

E. Pleading the Complaint. Your complaint should not contain legal arguments, case law or statutory citations. You are required to provide facts. Your complaint shall be a short and plain statement of your claim and shall provide fair notice to each defendant of the claim against that defendant and of the factual grounds upon which the claim rests.

F. Fees. This complaint cannot be properly filed unless it is accompanied by the \$402.00 filing fee, or a motion to proceed without prepayment of fees if you are unable to afford the filing fee and other costs associated with prosecuting this action. If IFP is granted the filing fee is \$350.00.

If you are unable to pay the filing fee and service costs for this action, you may ask the Court to let you proceed without prepayment of fees and costs. A blank motion for this purpose is included.

If you wish to proceed without prepayment of fees and costs, you must complete and mail to the Clerk of Court a copy of the "Motion to Proceed Without Prepayment of Fees" mailed to you with this complaint. This motion will be returned to you without action unless you have an authorized officer at the jail or prison complete the financial statement mailed to you with this form.

Even if the Court authorizes you to proceed without prepayment of filing fees, you are obligated to pay the full \$350.00. If you have the ability to pay a partial filing fee when your complaint is filed, you will be required to pay an amount, based on your assets, of up to the greater of 20 percent of your average monthly balance in your prison account or your average monthly balance for six months immediately preceding the filing of your complaint. Thereafter, your prison account will be garnished at the rate of 20 percent of your monthly income until the filing fee is paid.

G. Form of Pleadings. All pleadings and other papers filed must be on 8 1/2" x 11" paper, legibly handwritten or typewritten. Every document filed after the complaint must have the style of the case and the docket number. Every pleading must be signed by you and must contain your address and telephone number, if any; otherwise, the pleading will be stricken. See Fed. R. Civ. P. 11(a). No notary is required.

H. Certificate of Service. Each pleading filed after the complaint must contain a certificate of service indicating that the pleading has been served on the opposing parties and the date that it was sent. A pleading will be stricken if it does not contain this certificate of service. See Fed. R. Civ. P. 5.

I. Copies. This Court will not make copies of your complaint or pleadings unless you prepay the required per page copying fee.

J. Form of Pleadings. Do not write letters to the Court. All pleadings and documents should be sent to the Clerk of the Court, and not to a magistrate judge or a district judge.

K. No Evidence. No evidence shall be sent to the Court for filing or storing.

I. PREVIOUS LAWSUITS.

A. Have you filed any other lawsuits in state or federal court dealing with the same or similar facts involved in this action:

Yes () No (✓)

B. Have you filed other lawsuits in state or federal court relating to your imprisonment:

Yes (X) No (✓)

C. If your answer to questions A or B above is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using this same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket Number: _____

4. Were you granted the opportunity to proceed without payment of filing fees?

Yes () No ()

5. Name of judge to whom the case was assigned: _____

6. If your case is no longer pending and has been dismissed, state the reason given by the Court as to why your case was dismissed, i.e., frivolous, malicious, failed to state a claim, defendants were immune, etc.

7. Approximate date of filing lawsuit: _____

8. Approximate date of ruling by court: _____

II. YOUR PRESENT COMPLAINT.A. Place or institution where action complained of occurred: Escambia Sheriff OfficeB. Date it occurred: May 21, 2021 to December 16, 2022C. Is there a prisoner grievance procedure in this institution? YesD. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
Yes (☒) No (☐)

E. If your answer is YES:

1. What steps did you take? I wrote the warden via hand mail many time about my complaints2. What was the result? I didnt get a ^{Response} ~~to~~ my complaint

F. If your answer is NO, explain why not: _____

G. Your claim (briefly explain your claim: what, when, where, who; do not cite cases; you may, without leave of Court, add up to five (5) additional pages if necessary):

June 11 to July 20, 2021 ^{*lockdown*}
~~My complaint~~ I was send to Unit 2 because i was Transgender and was made to stay in the
 lockdown cell for 24 hours a day an was deprived of basic human needs such as a shower, hygiene, and water.
 The water in ^{Unit} ~~Unit~~ 2 cell 3 was shut off and i couldnt flush the feces ^{and} ~~that~~ urine that
 already was in the toilet. The Sink water was off so i couldnt get any drinking water until
 the nurse came and pressed out morning and night meals to the inmates in Unit 2. There was urine
 and feces water on the floor of the cell my inter stay in unit 2. The cell didnt have an call button
 or ~~or~~ a working light. I wasnt able to contact my family until i was released from Unit 2 ^{mid} ~~day~~
 July. When i asked the warden "Richard Netrick" why was i ~~made~~ to be housed in Unit 2 ^{The lockdown} ~~unit~~
 He told me " Him and Health Jackson" cant have a tranny in the ^{closed} ~~open~~ units in they Jail so ill
 be in lockdown Unit 2 till they find something to do with me. ^{I was only able to shower} ~~once a week~~
^{Every 14 days} ~~once a week~~ and when i did shower
~~once a week~~ i was made to shower with male inmates looking at my breast
 Thru the shower window that can be seen in the day room of Unit 3.

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(G)

I've tried writing both men via hand mail about the problems but i was left with out a reply an make to go thru these things.

On Sept 3rd, 2022 ~~2021~~ Hetrick an Jackson both ~~denied~~ ^{denied} the ~~day~~ ^{my} approve for the medical staff to keep treating me for my Gender Dysporia so All my Hormone Replacement Meds was ~~stop~~ Stopped i asked both men why was my meds denied and told them both that ~~was~~ hormone replacement is medically necessary for my Gender Dysporia ~~and~~ ^{and} i will suffer serious harm ^{to} mental and physical being if denied the treatments still my ~~grievance~~ ^{grievance} has ~~not~~ ^{went} unanswered

Dec 30, 2021 Hetrick called me to his office and asked me why i was fighting the night before ^{as i was telling him why and he called me a} ~~liar~~ ^{liar} and told me to shut up i didnt shut up so he grabbed ~~a~~ ^a can of mace and said he was gone spray me i told him he couldnt spray me cause he didnt like ^{what} ~~what~~ i was saying so he "Hetrick" said this my jail i can do what the fuck i want then he hit me in the face with the can of mace and made two other officers put me in the Holding cell. ~~When~~ ^{When} he hit me with the can it busted my ^{mouth} ~~teeth~~ and cut the side of my ^{face} ~~face~~ open The next day The nurse ^{megan} ~~megan~~ had done a body sheet and clean the cut on my face. from Dec 30, 2021 to Jan 12, 2022 i was placed in ~~unit~~ Unit 2 with no running water and was made to ~~to~~ sleep in the cell with ~~feces~~ ^{feces} and urine on the ~~floor~~ ^{floor} and the didnt give me a mat or cover to ^{sleep} ~~sleep~~ on. when i asked to get a mat they said Hetrick said i am to be striped and placed in the cell till he wants me to come out but on Jan 11, 2022 Jackson called me to his office once ~~if~~ i told him ive been in the cell for 10 day without clothes and only fed a bag meal once a day he gave me back cover, mat and clothes and had me shipped to another Jail on Jan 12, 2022

Tyran lucky Ryan Duly

III. PARTIES.

A. Plaintiff (Your name/AIS): Tyran Luckey "19002527"

Your present address: 316 Court St Brewton, Al 36426

B. Defendant(s):

1. Defendant (full name) Health Jackson is employed as Sheriff ~~warden~~ at Escambia County Jail

His/her present address is 316 Court St Brewton, Al 36426

(a) Claim against this defendant: Violated my ~~Escambia County Jail~~ 8th Amendment, 14th Amendment

(b) Supporting facts (Include date/location of incident):

May request Jail records from May 2021 to Dec 2022. Request my medical records from this Jail

2. Defendant (full name) Richard Hetrick is employed as ~~warden~~ warden Escambia County Jail TL at Escambia County Jail

His/her present address is 316 Court St Brewton, Al 36426

(a) Claim against this defendant: Violated my 8th Amendment and 14th Amendment

(b) Supporting facts (Include date/location of incident):

request Jail records from May 2021 to Dec 2022 also request my Jail medical records

3. Defendant (full name) _____ is employed as _____ at _____

His/her present address is _____

(a) Claim against this defendant: _____

(b) Supporting facts (Include date/location of incident):

C. Additional Defendants: (If there are additional defendants, you may list them on separate pages using the same outline above).

IV. A. You must answer the following questions:

1. State the conviction(s) for which you are presently incarcerated: Pre-Trial

2. When were you convicted? Pre-Trial

3. What is the term of your sentence? Pre-Trial

4. When did you start serving this sentence? Pre-Trial

5. Do you have any other convictions which form the basis of a future sentence?
 Yes () No (✓)

If so, complete the following:

(a) Date of conviction: _____

(b) Term of sentence: _____

6. What is your expected end of sentence (E.O.S.) date? Pre-Trial

B. If this present lawsuit concerns your criminal conviction or sentence, state whether your conviction has been:

	Conviction	Sentence
Reversed	yes() no(✓)	yes() no(✓)
Expunged	yes() no(✓)	yes() no(✓)
Invalidated	yes() no(✓)	yes() no(✓)

Writ of habeas yes () no (✓) yes () no (✓)
corpus granted

C. If you answered yes to any of the questions, state the Court or entity that relieved you from your conviction or sentence and the date: _____

V. State briefly exactly what you want the Court to do for you if you win (make no legal argument, cite no cases or statutes):

1.5 million in Damages
~~1.5 million in Damages~~ and to change the inhumane treatment ~~at~~ and ~~to~~ discrimination
again the LGBT people in this county jail.

VI. **AFFIRMATION.** By my signature below, I swear or affirm under penalty of perjury that the facts set out in this complaint are true and correct.

Dec 14, 2022
Date


(Signature of Plaintiff Under Penalty of Perjury)

316 Court St Penetun, AL 36476
Current Mailing Address

256-614-5473
Telephone Number

PLAINTIFF SHALL IMMEDIATELY ADVISE THE COURT IN WRITING OF ANY CHANGE IN HIS ADDRESS, E.G., RELEASED, TRANSFERRED, MOVED, ETC. FAILURE TO NOTIFY THE COURT OF A NEW ADDRESS WILL RESULT IN THE DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE AND TO OBEY THE COURT'S ORDER.

Tyran Luckey
316 Court St.
Brewton, AL 36426



United States District Court
Southern District of Alabama
Clerk

155 Saint. Joseph St.
Mobile, AL 36602

INMATE
MAIL

Legal
mail

Legal
mail